



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: 2002-00174-RS
Issue Date: 13 May 2003
Expiration Date: 12 June 2003

To Whom It May Concern:

In light of security concerns, the New York District of the US Army Corps of Engineers (USACE) established a local order that authorized a temporary Restricted Area in navigable waters located at Naval Weapons Station Earle in Sandy Hook Bay in the Township of Middletown, New Jersey. It should be noted that a permanent restricted area as described in USACE Public Notice Number 2002-00174-RS, is proposed to be established in the same location and size outlined by the latitudes and longitudes listed below. The temporary restricted area encompasses the Sandy Hook Bay, New Jersey Security Zone established by the US Coast Guard (USCG) and identified at Title 33 of the Code of Federal Regulations (CFR), Part 165.130, with an expansion along the western edge of the pier complex.

Title 33 of the United States Code (USC), Section 1 states in part: "It shall be the duty of the Secretary of the Army to prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States as in his/her judgment the public necessity may require for the protection of life and property".

This order is necessary to safeguard government and commercial assets, as well as the public, from sabotage and other subversive acts, accidents, or incidents of similar nature. USACE anticipates that the impact on commercial and recreational traffic will be negligible.

The temporary Restricted Area expands the USCG Security Zone around the pier area by moving the western boundary of the Security Zone to a line an additional 295 yards from the western side of Pier 4, so as to maintain a 750 yard perimeter around the pier complex. The Station will move the western buoys of the Naval Weapons Station Earle to correspond with the expanded perimeter of the temporary Restricted Area.

TEMPORARY ORDER

The District Engineer has issued an order effective immediately to establish a temporary Restricted Area.

(a) Applicability:

(1) USACE, pursuant to the authority granted in 33 USC 1, 33 CFR 209.200 and 33 CFR 334.3(c), has established this temporary Restricted Area outlined by the latitudes and longitudes outlined above.

(2) Navigable waters of the United States are those defined at 33 CFR Part 329.4.

(b) The Area:

The temporary Restricted Area includes those navigable waters of the United States within Sandy Hook Bay, New Jersey in which USACE has jurisdiction: a) waters surrounding the Naval Weapons Station Earle Piers within Sandy Hook Bay; and b) the limits of the Terminal Channel within Sandy Hook Bay currently depicted on navigation charts. A detailed description of the area is as follows:

a) Naval Weapons Station Earle Temporary Restricted Area (See attached map) are the waters within a line beginning at Point 1:

Point No.	Latitude (N)			Longitude (W)			
	Deg.	Min.	Sec.	Deg.	Min.	Sec.	
1	40	28	21.2	74	01	56.0;	thence to
2	40	28	07.9	74	02	18.6;	thence to
3	40	27	39.3	74	02	38.3;	thence to
4	40	27	28.5	74	02	10.4;	thence to
5	40	26	29.5	74	02	51.2;	thence to
6	40	26	31.4	74	02	55.4;	thence to
7	40	25	27.1	74	03	39.7;	thence to
8	40	25	55.6	74	04	31.4	thence to
9	40	26	54	74	03	53;	thence to
10	40	26	58	74	04	03;	thence to
11	40	27	56	74	03	24;	thence to
12	40	27	41.7	74	02	45.0;	thence to
13	40	28	23.5	74	02	16.6;	

and then return to Point 1.

(c) The Regulation:

The following rules are proposed to apply to the temporary Restricted Area established by this action:

(1) Except as set forth in subparagraph (2), all persons, swimmers, vessels, and other craft, except those vessels under the supervision or contract to local military or Naval authority, vessels of the United States Coast Guard, and other state law enforcement vessels, are prohibited from entering the restricted areas without permission from the Commanding Officer, Naval Weapons Station Earle, USN, New Jersey, or his/her authorized representative; and (2) Vessels are authorized to cross the Terminal Channel (identified on the attached map as the area bounded by Points 1, 2, 3, 12, and 13) provided that there are no naval vessels then transiting the channel.

(d) Enforcement:

This order shall be enforced by the Commanding Officer, Naval Weapons Station Earle, New Jersey, and/or other persons or agencies, he/she may designate.

(e) Effective Date:

The establishment of the temporary Restricted Area is effective immediately.

(f) Duration:

This order shall remain in effect for 60 days from the date of this Public Notice or until the establishment of a permanent Restricted Area for Naval Weapons Station Earle, whichever occurs sooner.

(g) Additional Information:

For the latest information regarding Restricted Areas contact the Regulatory Branch of the New York District, USACE at (212) 4264-0184 or check our web site at <http://www.nan.usace.army.mil>.

AUTHORITY

The authority for this action is 33 USC 1, 33 USC 403, 33 CFR 209.200 and 33 CFR 334.3(c).

APPLICATION EVALUATION

The New York District Engineer's decision whether to establish a temporary Restricted Area at Naval Weapons Station Earle is based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected from the proposal, must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

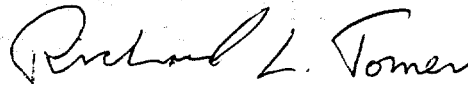
The New York District of the US Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. **Any comments received will be considered by the New York District Engineer to determine whether or not modification of the temporary Restricted Area is warranted.** To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are compared to an Environmental Assessment prepared by the District pursuant to the National Environmental Policy Act.

Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing in writing to consider this application by writing to the District Engineer within 15 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held subject to considerations of national security, a request for a public hearing will be granted unless the District Engineer determines, in writing, that there are no substantial issues to be addressed in the public hearing or that no valid interest will be served by the hearing.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (Public Law (PL) 93-205) will be affected; (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal; and (4) pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 USC 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program.

COMMENT PERIOD

Replies to this notice should be made in writing, addressed to the New York District, US Army Corps of Engineers (Attn; CENAN-OP-R), 26 Federal Plaza, New York, New York 10278-0090, and should reach this office not later than the close of business on 27 December 2002. Should you have any questions about the contents of this public notice, please call Mr. Mark S. Roth at telephone (212) 264-0184.



RICHARD L. TOMER
Chief, Regulatory Branch

Attachment

